

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

Filed: April 23, 2025

Reissued for Public Availability: May 23, 2025

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W.J., by his parents and legal guardians	*	
R.J. and A.J.,	*	
	*	
Petitioners,	*	No. 21-1342V
	*	
v.	*	Special Master Dorsey
	*	
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
	*	
* * * * *		

R.J. and A.J., *pro se*, Staten Island, NY.
Sarah Black Rifkin, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING PETITIONERS' COSTS¹

On May 7, 2021, R.J. and A.J. (“petitioners”) filed a petition, on behalf of their minor child, W.J., pursuant to the National Vaccine Injury Compensation Program (“Vaccine Act” or “the Program”), 42 U.S.C. § 300aa-10 *et seq.* (2012).² Petitioners generally allege that their minor child, W.J., suffered from a chronic encephalopathy Table claim and/or a cause-in-fact or significant aggravation of pre-existing cerebral and immunological damage, including immune-related blood disorders, severe eczema, and many other allergies as a result of a measles, mumps, and rubella (“MMR”) vaccination administered on February 24, 2005. Petition at 1 (ECF No. 1). The undersigned issued a dismissal decision on February 16, 2022. Decision dated Feb. 16, 2022 (ECF No. 29).

Petitioners filed a motion for review of the dismissal decision on March 14, 2022, which was denied on June 21, 2022. Opinion and Order dated June 21, 2022 (ECF No. 40). Petitioners

¹ Pursuant to Vaccine Rule 18(b), this Decision was initially filed on April 23, 2025, and the parties were afforded 14 days to propose redactions. The parties did not propose any redactions. Accordingly, this Decision is reissued in its original form for posting on the court’s website.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2012). All citations in this Decision to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

appealed to the U.S. Court of Appeals for the Federal Circuit and the Federal Circuit affirmed the lower court's dismissal of Petitioners' case. 93 F.4th 1228 (Fed. Cir. 2024). A mandate from the Court of Appeals from the Federal Circuit issued on May 15, 2024. Mandate (ECF No. 47). Subsequently, Petitioners filed a petition for a writ of certiorari which was denied on November 4, 2024. W. J. by R.J. v. Becerra, 145 S. Ct. 440 (2024).

On January 15, 2025, Petitioners filed a motion for costs. Petitioners' Notice of Motion and Motion for Costs ("Pet. Mot."), filed Jan. 15, 2025 (ECF No. 53). Petitioners request compensation in the amount of \$1,833.81 representing reasonable costs. Id. at 2. Respondent filed his response on January 21, 2025 stating he "defers to the Court as to whether the statutory requirements for an award of fees and costs are met in this case." Respondent's Response to Pet. Mot. ("Resp. Response."), filed Jan. 21, 2025, at 2 (ECF No. 54). Petitioners did not file a reply. The matter is now ripe for disposition.

Under the Vaccine Act, the special master shall award reasonable attorneys' fees and costs for any petition that results in an award of compensation. § 15(e)(1). When compensation is not awarded, the special master "may" award reasonable fees and costs "if the special master or court determines that the petition was brought in good faith and there was a reasonable basis for the claim for which the petition was brought." Id.

The claim appears to have been brought in good faith and built on a reasonable basis. Moreover, the undersigned finds that an award of costs is appropriate here.

Petitioners request reimbursement for the filing fees in this Court (\$402.00), the U.S. Court of Appeals for the Federal Circuit (\$500.00), and the Supreme Court of the United States (\$300.00). Pet. Mot. at 2-3. Petitioners also request compensation for printing costs and postage expenses totaling \$631.81. Id. at 2-4. The undersigned finds these costs reasonable and generally well-documented. See Pet. Mot. Exhibits A-F. She will award the requested costs in full.

The undersigned **GRANTS** Petitioners' motion for costs. **Accordingly, the undersigned awards:**

A lump sum in the amount of \$1,833.81, representing reimbursement for reasonable costs, in the form of a check payable to Petitioners, R.J. and A.J.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER JUDGMENT** in accordance with this Decision.³

IT IS SO ORDERED.

/s/ Nora Beth Dorsey
Nora Beth Dorsey

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

Special Master